

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC. et al.,

Defendants.

Civil Action No. 6:10-cv-00417-LED

JURY TRIAL DEMANDED

**NOTICE OF SUBSEQUENT REEXAMINATION PROCEEDINGS IN SUPPORT OF
DEFENDANTS' MOTION FOR A STAY PENDING ONGOING REEXAMINATION
PROCEEDINGS (D.I. 477)**

Defendants Cisco Systems, Inc. ("Cisco") and Apple, Inc. ("Apple") hereby respectfully notify the Court that on September 19, 2012, the United States Patent and Trademark Office ("USPTO") issued an office action in the reexamination proceeding concerning U.S. Patent No. 7,188,180 ("the '180 patent") rejecting *all* asserted claims. (Ex. A at 1-2.) Additionally, on October 1, 2012, the USPTO issued an "Action Closing Prosecution" for a second reexamination proceeding concerning U.S. Patent No. 7,921,211 ("the '211 patent") and for a second reexamination proceeding concerning U.S. Patent No. 7,418,504 ("the '504 patent"). In so doing, the USPTO maintained rejections for *all* claims of the '211 and '504 patents. (Ex. B at 1-2; Ex. C at 1-2.) As a result of the USPTO's action, *all* of the patents-in-suit and *all* of the claims asserted against Apple, and all but four of the claims asserted against Cisco, stand rejected. The reexamination proceedings for two of the four patents asserted against Apple, and three of the six patents asserted against Cisco, have advanced to the stage of the USPTO issuing an Action Closing Prosecution. (Ex. D – Updated Version of Ex. 6 to Dkt. No. 535.)

Dated: October 5, 2012

Respectfully submitted,

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ATTORNEYS FOR APPLE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document *via* the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 5th day of October, 2012.

/s/ Eric H. Findlay
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